

Dallas Morning News Editorial: Time to unplug the entire constable operation?

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During a closed-door meeting Saturday, Dallas County commissioners will ask the county's five elected constables to discipline job-shirking deputies.

Gee, what a bold move. Yet under existing law, that's all they can do.

The county has evidence that at least 36 deputies may have lied about attempts to serve residents with eviction notices or documents regarding other civil actions. If the accusations are true, residents have been penalized – in some cases, kicked out of their homes – without proper notification, and taxpayers countywide have been paying salaries of deputies who are lazy or incompetent.

The law gives the county commissioners so little authority here that all they can do is *urge* the elected constables not to look the other way.

At the very least, the deputies – who represent more than half of the 70 who serve civil papers – should be placed on paid administrative leave until the investigation is completed. Depending on the results, resignations, firings or prosecutions may be in order.

But this would only address the latest in an outrageous pattern of behavior in the constable offices that stretches over the past decade. In that time, news stories have documented towing irregularities, campaign contribution scandals and assorted charges of DWI charges, sexual assault and bribery.

Although the constables have proved themselves incapable of legally and effectively managing their operations, this branch of county government can't be eliminated without the time-consuming process of passing a constitutional amendment.

Beginning immediately, the Commissioners Court can begin dismantling these virtually unaccountable fiefdoms by cutting the constables' budgets and shifting essential duties to the sheriff's department.

Shrinking operations as quickly as possible shouldn't deter county leaders from also beginning the process to abolish constables completely in Dallas County. It can be done. In 1995, voters passed a constitutional amendment that killed the constable office in three counties and transferred the powers and duties to each county's sheriff.

The measure would need legislative approval in the 2013 session, then go on a ballot. But the time to lay the foundation for these efforts is now. At the very least, taking these steps will perhaps shock some constables into the 21st century.

A scandalous timeline

2011: Deputy constable Kevin Schoch is fired after being arrested on a charge of driving while intoxicated.

2010: Former deputy constable Howard Watson is indicted on multiple felonies, including sexual assault, official oppression, bribery, unauthorized use of two motor vehicles and tampering with government records.

2010: Former deputy constable Calvin Jones faces felony charges after accusations of shooting a man during an argument.

2010: A special prosecutor is appointed to investigate allegations of aggravated perjury against Precinct 2 Constable Michael Gothard, accused of lying under oath.

2009: *The Dallas Morning News* uncovers towing irregularities in the precincts of constable Derick Evans and then-constable Jaime Cortes.

2007: Former constable Mike Dupree resigns and pleads guilty to a misdemeanor charge for ordering his employees to work on his re-election campaign while on duty.

2000: Former constable Aurelio Castillo is convicted of a felony involving illegal campaign contributions.

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Dallas County deputy constables form association to increase standards

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It hasn't been a good couple of years for Dallas County deputy constables, who have been involved in scandal and controversy and whose numbers dwindled considerably during a recent round of budget cuts.

It's prompted a group of deputy constables to form an association to look after their interests, increase professionalism and repair their tattered image.

After a few initial meetings, the deputies officially incorporated their association, set dues and adopted bylaws. They will elect a president and officers at the next meeting on Feb. 28.

So far, deputy constables from all five precinct offices in the county have expressed interest in joining the Dallas County Constable Association, said organizer Renee Christian, a deputy in the Precinct 3 office.

The association has the backing of the Texas Municipal Police Association, which provides legal services and other help to numerous police labor groups in the state.

“We’ve been encouraging them for years to organize and mobilize to deal with some of the political stuff going on up there,” said Kevin Lawrence, TMPA’s deputy executive director.

Christian said some deputies want to join but fear retaliation. She said the association is needed to protect deputies from abuses at work but also because she and her colleagues are not getting a “fair trial in the media.”

The Dallas Morning News began investigating constable operations in July 2009 with an examination of aggressive towing operations in two precincts in which thousands of vehicles were impounded without proper oversight.

That led to other reports of improper campaign fundraising efforts, substandard hiring practices and the unprecedented expansion of constable traffic and law enforcement duties with minimal oversight.

“We’re concerned about the image of deputy constables that’s been reported,” Christian said.

She acknowledged problems in some constable offices, which led to state and local investigations that culminated in December with the indictment of a current and a former constable and two deputies.

But Christian said there are many competent, honest and hard-working deputy constables in Dallas County whose work is overlooked.

“The general perception from the public is that constables are bad apples,” Christian said. “All of us got tossed in the same basket.”

When allegations first surfaced against Precinct 1 Constable Derick Evans and former Precinct 5 Constable Jaime Cortes, dozens of deputies came forward to report alleged abuses, risking their own jobs in the process.

Evans could not be reached Thursday for comment about the new association.

Precinct 3 Constable Ben Adamcik said he doesn’t have a problem with the association.

“You won’t find that any of my deputies are mistreated. If you don’t mistreat your employees, you shouldn’t fear it,” he said. “I feel bad for these deputies because it seems to me that they need to have something looking out for their interests.”

Christian said the association will “enhance and improve the level of professionalism” within the constable offices and also lobby for changes that will benefit and protect deputies.

In September, county commissioners passed a budget that no longer contained funding for the five constable traffic divisions, which resulted in numerous deputy layoffs.

A Justices of the Peace & Constables Association of Texas formed in 1945 to lobby for constables statewide. In 2001, it helped defeat 25 bills and resolutions in the Legislature that attempted to abolish constable offices or allow commissioners in any county to remove them from the ballot.

But Christian said that group can't specifically help deputies in Dallas County.

County Commissioner Maurine Dickey said she didn't know anything about the new local association but that she would support any move to increase professionalism within the constable offices.

"Certainly I'm for improving the standards," she said.